

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re: :
: Case No.
FOSAMAX PRODUCTS LIABILITY :
LITIGATION : 1:06-MD-1789 (JFK)
: :
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: :
This Document Relates to: :
: :
CHERYL HENNEKEN v. NOVARTIS :
PHARMACEUTICALS CORPORATION and :
MERCK & CO., INC., :
[Case No. 1:06-cv-14240-JFK] :
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**MOTION FOR SUBSTITUTION FILED ON
BEHALF OF PLAINTIFF CHERYL ANN
HENNEKEN**

The personal representative of Cheryl Ann Henneken moves the Court to substitute him as Plaintiff in this civil action as follows:

Cheryl Ann Henneken:

1. Cheryl Ann Henneken passed away on April 1, 2007. A Suggestion Of Death was filed on July 27, 2007 (DE 10).
2. Under New York law, the claim of Cheryl Ann Henneken survives to her personal representative.
3. Pursuant to Ms. Henneken's Last Will and Testament, her son, Ray Johnson, has been named the Executor of Ms. Henneken's estate.
4. Based on the foregoing, the Court should enter an order substituting Ray Johnson as the personal representative of the Estate of Cheryl Ann Henneken, deceased, in place and instead of Cheryl Ann Henneken.

Dated: New York, New York
October 23, 2007

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Attorneys for Plaintiff
Cheryl Ann Henneken

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of October, 2007, a true and correct copy of the foregoing **MOTION FOR SUBSTITUTION FILED ON BEHALF OF PLAINTIFF CHERYL ANN HENNEKEN**, will be served via electronic transmission to those persons identified as attorneys of record who are ECF registrants.

/s/

Russel H. Beatie